

Appl. No.: 10/581,989

Amtd. Dated June 21, 2011

Response to Office Action Mailed March 8, 2011

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application. All prior Responses are incorporated herein by reference.

On the Amendments. In the amendment above, claim 1 has been cancelled. Claims 2, 4 and 11 have been rewritten in their independent form. No new matter is added.

On the Allowable Claims. Claims 4 and 11 have been rewritten in their independent form. Accordingly, claims 4 and 11, and those depending therefrom, namely claims 13, 15 and 18, should now be allowed, in view of the examiner's prior finding of allowability of these claims.

On the Section 103(a) Rejection. The examiner has again rejected claims 1-3, 5-10, 12, 14, 16, 17, 19 and 20 under Section 103(a) as unpatentable over Lee (US 2,507,341). It is again respectfully submitted that no *prima facie* of obviousness has been established with respect to the invention as set forth in independent claim 2 and the claims depending therefrom.

Independent claim 2 requires that at least two similar vehicles comprise linear conveying devices wherein at least one linear conveying device of each vehicle is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in the conveying direction. Although Lee discloses a shuttle car, the conveying device of which comprises a linear conveying device that can be raised and lowered, nothing in Lee suggests using at least two similar vehicles which each comprise a linear conveying device that is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in a conveying direction.

In contrast to the features set forth in claim 2 herein, Lee teaches the use of one shuttle car, and charging the material from this shuttle car into a receiving conveyer, hopper, mine car or

the like (cf. column 1, lines 1-11). The principal function of the shuttle car described by Lee is to receive coal or other material from a loading machine and to transport the coal or other material, under its own power, to a discharge station where the coal or other material is discharged into a conveyer, hopper, mine car or other receptacle (cf. column 2, lines 48-53). After having discharged the material into a conveyer, hopper, mine car or other receptacle, the empty vehicle is then driven by its operator back to the loading machine to be loaded again, and the operation repeated (cf. column 10, lines 10-13).

The method carried out with the shuttle car described by Lee is completely different from the method set forth in claim 2. According to claim 2 herein, the method comprises the steps of:

- (a) moving said at least two similar vehicles in a roadway section between a heading face and a continuously extended haulage means, and
- (b) conducting at least one material transfer from a first one of said similar vehicles to a second one of said similar vehicles between the heading face and a transfer of the material to the haulage means, wherein
- (c) said at least two similar vehicles comprise linear conveying devices wherein at least one linear conveying device of each vehicle is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in a conveying direction.

With respect to feature (a), nothing in Lee suggests moving at least two similar vehicles in a roadway section between a heading face and a continuously extended haulage means. Lee fails to teach the use of at least two similar vehicles. Further, Lee fails to teach moving the vehicle, such as a shuttle car, between a heading face and a continuously extended haulage means. Lee merely teaches moving a shuttle car between a loading machine and a discharge station where the material is discharged into a conveyer, hopper, mine car or other receptacle (cf. column 2, lines 48-53). Lee does not disclose or suggest a continuously extended haulage means. Consequently, nothing in Lee teaches the moving of the vehicle in a roadway section between a heading face and a continuously extended haulage means. In this connection, it is respectfully

submitted that the "conveyer, hopper, mine car or other receptacle" disclosed in Lee cannot be equated with the claimed continuously extended haulage means.

According to feature (b) as stated above, the method of claim 2 comprises a material transfer from a first of said similar vehicles to a second of said similar vehicles between the heading face and a transfer of the material to the haulage means. In contrast, Lee discloses a method in which only a single shuttle car is used between the loading machine and the discharge station. Consequently, there is no material transfer from a first vehicle to a second vehicle between the loading machine and the discharge station.

If the examiner takes the position that the loading machine described by Lee is regarded as "a first of said similar vehicles" and the shuttle car described in Lee is regarded as "a second of said similar vehicles," then it is respectfully submitted that a loading machine by no means can be equated to the claimed shuttle car, which, according to feature (c) above, must comprise a linear conveying device which is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in a conveying direction. Further, if the examiner takes the position that the shuttle car is regarded as "a first of said similar vehicles" and the "conveyer, hopper, mine car or other receptacle" described by Lee is regarded as "a second of said similar vehicles," then it is respectfully submitted that the "conveyer, hopper, mine car or other receptacle" described by Lee can by no means be equated to one of the claimed two similar vehicles, which, according to feature (c) above, must comprise a conveying device which is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in a conveying direction. Finally, nothing in Lee suggests that the loading machine and the shuttle car or the shuttle car and the "conveyer, hopper, mine car or other receptacle" as described by Lee are constructed as the claimed similar vehicles that each comprise a conveying device that is arranged on a vehicle frame so as to be raised and lowered and to be displaceable in a conveying direction.

Further, as stated in previous responses in this application, nothing in Lee suggests the use of two of the described shuttle cars. Rather, Lee clearly describes the use of merely one

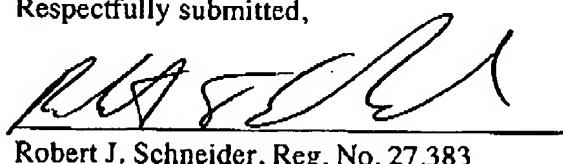
shuttle car, the principal function of which is to receive coal or other material from a loading machine, and to transport the coal or other material directly to a discharge station where it is discharged into a conveyer, hopper, mine car or other receptacle. Lee by no means describes or suggests an additional material transfer in the track between the loading machine and the discharge station. Accordingly, there is no place in the method described by Lee to use an additional shuttle car that is similar to the described shuttle car.

For the foregoing reasons, it is respectfully requested that the Section 103(a) rejection be reconsidered and withdrawn with regard to independent claim 2 and all claims depending therefrom, for failure to provide a *prima facie* case of obviousness. It is respectfully submitted that this application is in condition for prompt allowance; and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Extension Request and Deposit Account Charge Authorization. The Commissioner is hereby authorized to charge any required fees, or credit any overpayment, associated with this communication, including fees for any necessary extension of time under 37 CFR §1.136(a) for filing this communication, which extension is hereby requested, to our Deposit Account No. 50-0305 of Chapman and Cutler LLP.

Respectfully submitted,



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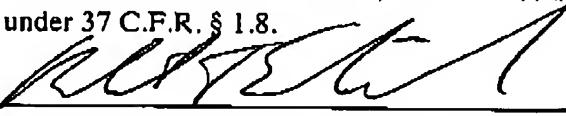
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I hereby certify that the attached correspondence, namely: Response to Final Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

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Typed Name of Person Signing this Certificate: Robert J. Schneider

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June 21, 2011